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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Antonio MEDINA-Perez,** Defendant	Magistrate Docket No. 08 MJ 0242 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 26, 2008** within the Southern District of California, defendant, **Jose Antonio MEDINA-Perez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **JANUARY 2008.**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

Ou

CONTINUATION OF COMPLAINT:
Jose Antonio MEDINA-Perez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On January 26, 2008, at approximately 3:00 A.M., Border Patrol Agent R. Rivers was performing line watch duties near Barrett Junction, California. This area is approximately five miles west of the Tecate, California Port of Entry and two miles north of the International Border and is in the Brown Field Border Patrol Station's area of responsibility. Agent Rivers responded to a sensor activation in an area known as Harvey Dennisons where he followed foot sign until encountering two individuals. Agent Rivers identified himself as a United States Border Patrol Agent and questioned each individual as to their country of citizenship and their legal right to be in the United States. Both individuals, including one identified as the defendant **Jose Antonio MEDINA-Perez**, responded that they are citizens of Mexico without the proper documentation to be in the United States legally. Both individuals, including the defendant were arrested and transported to Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 21, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 27, 2008 at 10:00 a.m.

[signature]
Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **January 25, 2008**, in violation of Title 8, United States Code, Section 1326.

[signature]
Peter C. Lewis
United States Magistrate Judge

1/27/08 @ 10:34 a.m.
Date/Time